

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
THE CALCULATION OF TIME IN)	Administrative Order
ATTORNEY REGULATION CASES)	No. 2020 - <u>182</u>
CONSIDERING THE COVID-19)	
EMERGENCY AND EXPEDITION)	
OF ATTORNEY REINSTATEMENTS)	
INVOLVING APPLICANTS WITH)	
NO PRIOR DISCIPLINE)	
)	

The Presiding Disciplinary Judge reports that the applications for reinstatements have more than doubled the yearly average of applications over the past ten years. Many of these applications are by attorneys without prior discipline.

Pursuant to Rule 58(j) and Rule 65(b)(1) Ariz. R. Sup. Ct., all hearing panel decisions, whether discipline or reinstatement, must complete the hearing within 150 days from the filing of the complaint or application. The decisions in attorney discipline must have detailed findings of fact and conclusions of law pursuant to Rule 58(k). Decisions in reinstatements are required to include detailed findings of fact and a recommendation pursuant to Rule 65(b)(3). The impact of these coupled with such a high number of filings has resulted in hearing scheduling requirements that cannot be met.

Therefore, pursuant to Article VI, Section 3 and 5, of the Arizona Constitution,

IT IS ORDERED that for the period of March 18, 2020 through January 1, 2021 is excluded from calculation of time under the rule provisions that require attorney regulation proceedings to be held within a specific period of time including Rule 58 and Rule 65, Rules of the Supreme Court of Arizona.

IT IS FURTHER ORDERED that applicants for reinstatement due to resignation in good standing or suspension for failing to pay annual dues and/or failure to maintain required MCLE and are without the prior discipline of suspension or disbarment may enter an agreement for reinstatement with the State Bar that excludes the application of Rule 65(b)(1) and (3).

Such an applicant must have filed a Rule 65(a) compliant application. After the State Bar has completed its investigation and supports reinstatement, the parties may submit a written agreement for reinstatement signed by the parties. Such an agreement must contain a statement that the applicant is fit to practice law, competent, and has paid all required fees and payments required under Rule 65(a)(3). Within thirty (30) days, the Presiding Disciplinary Judge shall file

a decision with the disciplinary clerk and serve a copy on the parties. The decision shall accept, reject or recommend modification of the proposed agreement. The decision shall incorporate all or portions of the agreement. If the agreement is accepted, the presiding disciplinary judge shall enter an order of reinstatement.

IT IS FURTHER ORDERED that the presiding disciplinary judge may recommend modification of the agreement. If a modification is recommended, the presiding disciplinary judge shall state the nature and substance of the proposed modifications and give the parties thirty days to proposed additional modifications to the agreement. If the parties fail to submit a proposed modified agreement, the matter application shall be set for hearing. In the event the agreement is rejected, the presiding disciplinary judge shall state the reasons for rejection, and the matter will be set for hearing.

Dated this 25th day of November, 2020.

ROBERT BRUTINEL
Chief Justice